



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/792,277	03/04/2004	Teruhisa Yokosawa	FEC 119	4213
23995	7590	07/02/2007		
RABIN & Berdo, PC 1101 14TH STREET, NW SUITE 500 WASHINGTON, DC 20005			EXAMINER KANE, CORDELIA P	
			ART UNIT	PAPER NUMBER
			2132	
			MAIL DATE	DELIVERY MODE
			07/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/792,277	YOKOSAWA, TERUHISA	
	Examiner	Art Unit	
	Cordelia Kane	2109	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/04/04</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is responsive to the non-provisional application filed on March 4, 2004. Claims 1 – 9 are pending. Claim 1 is independent.

#### ***Information Disclosure Statement***

2. The information disclosure statement filed March 4, 2004 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

#### ***Oath/Declaration***

3. The application number is omitted from the oath. Appropriate correction is requested.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2109

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Jun Akiyama's US Publication 2002/0071555 A1. Referring to claim 1, Akiyama teaches a magnetic disc apparatus (page 1, paragraph 2):

- a. That stores storing digital AV information (page 1, paragraph 4), which compresses, encrypts and records information (page 3, paragraph 44), and with the encryption/decryption key stored in advance (page 3, paragraph 47).
- b. After a request for reproduction (page 5, paragraphs 81-82), the disc decrypts the data, then sends it for decompression (page 5, paragraph 83), before being outputted (page 5, paragraph 86).
- c. The unit which contains features 1 – 10 (figures 2 and 3, and page 3, paragraph 44) is a case.

6. Referring to claim 3, Akiyama teaches a decryption and decompression circuit (page 3, paragraph 44).

7. Referring to claim 6, Akiyama teaches a spindle motor for rotating the disc (page 2, paragraph 20). He goes on to teach that the disc medium is separate from the decryption and decompression circuits (figure 2). Again, it is inherent that there is a case holding all these components.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 2, 4, 5, and 7 – 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akiyama, as applied to claims 1, 3 and 6 above and further in view of Youngtack Shim's US Publication 2002/002685 A1. Akiyama discloses all the limitations of the parent claim. Akiyama does not appear to explicitly disclose destroying the disc if tampering is detected. However, Shim discloses:

d. Detecting when someone is attempting to disassemble the housing of the disc (page 4, paragraph 53) and then notifying the eraser unit which destroys the disc (pages 4-5, paragraph 54). (claim 4)

e. Detecting when someone is attempting to disassemble the disc (remove it from the spindle and clamp) and then starting the degradation process (page 7, paragraph 68). (claims 2, 5, 7)

Art Unit: 2109

f. The degradation process involves storing a chemical substance capable of destroying the disc in a storage chamber. Once intrusion is detected (as explained above) the chemical is released and destroys the disc (page 6, paragraph 56). (claim 8)

g. The chemicals used to destroy the disc include etchants used in silicon fabrication in the semiconductor art (page 5, paragraph 58) It is known that acids, such as nitric acid are used in semiconductor fabrication. (claim 9)

11. Akiyama and Shim are analogous art because they are from the same field of endeavor, magnetic disc apparatus. At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Akiyama and Shim before him or her, to modify Akiyama to include destroying the data of Shim. The motivation for doing so would have been there is a need to protect information from being accessed by unauthorized intruder (Shim, page 1, paragraph 6). Therefor it would have been obvious to combine Shim with Akiyama to obtain the invention as specified in the instant claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cordelia Kane whose telephone number is 571-272-7771. The examiner can normally be reached on Monday - Thursday 8:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Del Sole can be reached on 571-272-1130. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2109

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CPK

  
JOSEPH DEL SOLE  
SUPERVISORY PATENT EXAMINER

6/26/07